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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JOHN F. WOODY, JR.,

12 Plaintiff,

13 v.

14 STEPHEN MNUCHIN, et al.,

15 Defendants.
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No. 2:20-cv-2328 TLN AC P

FINDINGS AND RECOMMENDATIONS

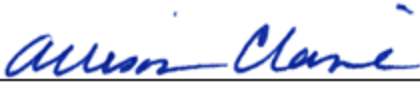
17 By order filed January 12, 2021, the undersigned found that plaintiff had made an
18 inadequate showing of indigence to support his request to proceed in forma pauperis because his
19 application states that he has cash in the amount of \$7,150,000.00. ECF No. 12. It was further
20 noted that a later filing indicated that plaintiff became the beneficiary of a trust upon the death of
21 his mother in 2011. Id. (citing ECF No. 11 at 3). Because plaintiff made an inadequate showing
22 of indigency, he was given twenty-one days to pay the appropriate filing and administrative fees
23 totaling \$400.00 to the Clerk of the Court or explain to the court why he could not pay the fee.
24 Id. He was further cautioned that failure to pay the fee or explain why he could not pay the fee
25 would result in a recommendation that the application to proceed in forma pauperis be denied and
26 the instant action be dismissed without prejudice if the fee remained unpaid. Twenty-one days
27 have passed and plaintiff has not paid the filing fee, explained why he cannot pay the fee, or
28 otherwise responded to the order.

Accordingly, IT IS HEREBY RECOMMENDED that:

1. Plaintiff's motion for leave to proceed in forma pauperis, ECF No. 2, be DENIED.
2. Plaintiff be given twenty-one days to pay the filing fee or face dismissal of the case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: February 16, 2021


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE